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2 Attorneys for Defendants
3 Bausch Health Companies Inc.
4 and Valeant Pharmaceuticals North
5 America, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

FLOW PHARMA, INC.,

Plaintiff,

v.

BAUSCH HEALTH COMPANIES
INC.; VALEANT
PHARMACEUTICALS NORTH
AMERICA, LLC

Defendants.

CASE NO. 3:18-cv-5769-JST

STIPULATION AND [PROPOSED]
ORDER TO FILE FIRST AMENDED
COMPLAINT

1 Plaintiff FLOW PHARMA (“Plaintiff”) and Defendants BAUSCH HEALTH
2 COMPANIES INC. and VALEANT PHARMACEUTICALS NORTH AMERICA,
3 LLC (hereinafter “Defendants”) jointly submit this Stipulation and [Proposed]
4 Order to File First Amended Complaint.

5 **WHEREAS** on September 20, 2018, Plaintiff filed its Complaint for Patent
6 Infringement.

7 **WHEREAS** Plaintiff, Flow Pharma seeks to file its First Amended
8 Complaint, which adds one cause of action for Contributory Infringement.

9 **WHEREAS** a copy of Plaintiff’s Proposed First Amended Complaint is
10 attached hereto as **Exhibit 1**.

11 **IT IS HEREBY STIPULATED**, by and between Plaintiff and Defendants, by
12 and through their respective counsel, that:

13 1. Plaintiff should be granted leave to amend to file its First Amended
14 Complaint, a copy of which is attached hereto as **Exhibit 1**.

15 2. Plaintiff’s Motion For Leave To File First Amended Complaint
16 currently scheduled for May 9, 2019 is hereby withdrawn and taken off calendar.

17 3. Plaintiff’s First Amended Complaint is deemed filed as of the date the
18 Order is transmitted via that CM/ECF system.

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Respectfully submitted,

Dated: April 23, 2019 DiBENEDETTO & LAPCEVIC, LLP

By: /s/ William A. Lapcevic
William A. Lapcevic
Attorney for Plaintiff

Dated: April 23, 2019 VENABLE LLP

By: /s/ Steven C. Kline
Steven C. Kline
Attorney for Defendants

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other Signatories shown above.

Dated: April 24, 2019

By: /s/ William A. Lapcevic
William A. Lapcevic

[PROPOSED] ORDER

Having read and considered the foregoing Stipulation, and good finding good cause appearing therefore:

IT IS HEREBY ORDERED that Plaintiff, FLOW PHARMA is granted leave to amend to file its First Amended Complaint, a copy of which is attached hereto as **Exhibit 1**.

IT IS ALSO ORDERED that Plaintiff's Motion For Leave To File First Amended Complaint currently scheduled for May 9, 2019 is hereby withdrawn and taken off calendar.

~~IT IS HEREBY ORDERED~~ that Plaintiff's First Amended Complaint is deemed filed as of the date this Order is transmitted via that CM/ECF system.

IT IS SO ORDERED.

Dated: April 29, 2019


Honorable Jon S. Tigar
United States District Court Judge